

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MAGGIE RUSSELL

PLAINTIFF

VS.

CIVIL ACTION NO. 1:22-cv-00086-TBM-RPM

MISSISSIPPI GULF COAST COMMUNITY
COLLEGE through its Board of Trustees
(in their official and individual capacities) and
DOES 1-20; inclusive

DEFENDANTS

MOTION FOR SUMMARY JUDGMENT

COMES NOW, Defendant Mississippi Gulf Coast Community College (hereinafter “MGCCC”) by and through its attorneys of record, and submits this its Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and would show unto the Court, as follows:

1.

On April 11, 2022, Plaintiff filed the instant action pursuant to Title II of the Americans with Disabilities Act, 42 U.S.C. §12132 (Supp. 1991) and the Rehabilitation Act of 1973, §§504 and 505, as amended, 29 U.S.C. §§794 and 794a. [Doc. 1]

2.

Plaintiff alleges she suffers from Dyscalculia, and cannot successfully participate in math classes, such as College Algebra. [Doc. 1 ¶27 and 40]. Maggie claims that MGCCC failed to accommodate her dyscalculia and discriminated against her by failing to “provide her with any adequate substitution for College Algebra.” [Doc. 1 ¶ 30, 33, 43 and 44].

3.

MGCCC did not discriminate against Maggie Russell under the ADA or the Rehabilitation Act. MGCCC offered Plaintiff reasonable accommodations, or additional pathways to graduation in order for Plaintiff in obtaining her degree. Plaintiff failed to complete the offered substitutions.

4.

Plaintiff cannot show any dispute of material fact as to whether the accommodations offered by MGCCC were reasonable. Plaintiff's discrimination claims fail and should be dismissed with prejudice. Accordingly, Defendant is entitled to summary judgment as a matter of law.

5.

Defendant submits its Memorandum Brief in Support of the Motion for Summary Judgment which is being filed simultaneously herewith.

6.

The following exhibits are attached hereto in support of this motion:

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|------------|-------------------------------------|
| Exhibit 1 | Deposition of Susan Russell |
| Exhibit 2 | Plaintiff's High School Transcripts |
| Exhibit 3 | Disability Accommodations Form |
| Exhibit 4 | Deposition of Aimee McGehee |
| Exhibit 5 | Plaintiff's College Transcripts |
| Exhibit 6 | Affidavit of Dr. Suzana Brown |
| Exhibit 7 | Letter from Susan Russell |
| Exhibit 8 | Plaintiff's OCR Complaint |
| Exhibit 9 | Deposition of Dr. Jason Pugh |
| Exhibit 10 | OCR Resolution Agreement |
| Exhibit 11 | Email from Maggie Russell |

- Exhibit 12 Email from Craig Nydick
- Exhibit 13 OCR Appeal
- Exhibit 14 Disability Rights Mississippi Letter
- Exhibit 15 Letter from MGCCC to Disability Rights Mississippi
- Exhibit 16 Email from Dr. Cedric Bradley
- Exhibit 17 Deposition of Maggie Russell
- Exhibit 18 Dr. Donna Burrowes Evaluation
- Exhibit 19 Additional Options Offered by MGCCC
- Exhibit 20 Dr. Jason Pugh's Letter to Disability Rights Mississippi
- Exhibit 21 Disability Rights Mississippi Letter
- Exhibit 22 Deposition of Dr. Phillip Bonfanti

WHEREFORE PREMISES CONSIDERED, Defendant Mississippi Gulf Coast Community College, prays that this Honorable Court will enter an Order granting Defendant's Motion for Summary Judgement pursuant to Rule 56 of the Federal Rules of Civil Procedure. Defendant prays for such other and further relief as deemed proper in the premises.

RESPECTFULLY SUBMITTED, this the 24th day of April, 2023.

**MISSISSIPPI GULF COAST COMMUNITY
COLLEGE, DEFENDANT**

BY: /s/ Kristi Rogers Brown
OF COUNSEL

CERTIFICATE OF SERVICE

I, the undersigned, of counsel for Defendant, do hereby certify that on this day, I electronically filed the foregoing Defendant Mississippi Gulf Coast Community College's Motion for Summary Judgement with the Clerk of the Court using the CM/ECF system which sent notification of this filing to all counsel of record.

THIS, the 24th day of April, 2023.

/s/ Kristi Rogers Brown
OF COUNSEL

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